

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA AT ELKINS**

**FRIEDRICHS HARRIS, ADMINISTRATOR OF
THE ESTATE OF EVAN M. HARRIS,**

Plaintiff,

v.

**CIVIL ACTION NO.: 2:16-cv-00046
JUDGE BAILEY**

**Q&A ASSOCIATES, INC.,
ANGELA SHOCKLEY, KEITH BISHOP,
MATTHEW SHOCKLEY, SANDY
SCHMIEDEKNECHT, and TAMMY ROBBINS.**

Defendants.

RULE 26(a)(3) PRETRIAL DISCLOSURES BY DEFENDANTS

Comes now Defendants, Q&A Associates, Inc., Angela Shockley, Keith Bishop, Matthew Shockley, Sandy Schmiedeknecht, and Tammy Robbins (hereinafter collectively “Q&A” or “Defendants”), by counsel, pursuant to Rule 26(a)(3) of the *Federal Rules of Civil Procedure*, Rule 16.7(a) of the *Local Rules of Civil Procedure for the Northern District of West Virginia*, and make their pretrial disclosures as follows:

A. Witnesses to be Called to Testify:

1. Friedrichs Harris – Mr. Harris is the Plaintiff in this case and the father of the decedent Evan M. Harris.
2. Kathy Harris
3. E. Harris.
4. Deputy B.T. Zirk
215 First Street
Parsons, WV 26287
304-478-2321

5. Deputy C.R. Donelson
215 First Street
Parsons, WV 26287
304-478-2321
6. Trooper J.J. Schmidle
9105 Seneca Trail
Hambleton, WV 26269
304-478-3101
7. Medical Examiner Lesa Corley
Route 2 Box 285
Elkins, WV 26241
304-642-4515
8. Emergency Medical Technician Joe Strait.
6545 Appalachian Highway
Davis, WV 26260
304-866-7450
9. Paramedic Jannette Basile
6545 Appalachian Highway
Davis, WV 26260
304-866-7450
10. Angela Shockley - Defendant
11. Keith Bishop – Defendant
12. Matthew Shockley – Defendant
13. Sandy Schmiedeknecht – Defendant
14. Tammy Robbins - Defendant
15. Michael Anderson
16. Daniel Sullivan
17. Sophia Plat
18. Eric Allman
19. Dahlia Froeger

20. Employees of the Tucker County Sheriff's Department and/or the West Virginia State Police.
21. Employees of the Tucker County Ambulance Authority Emergency Medical Service.
22. Employees of Tucker County Communications.
23. Any fact witnesses identified by the parties to this action.
24. Any expert witnesses identified by the parties in this action.
25. Any witness necessary for rebuttal and/or impeachment.
26. Currently unknown and unidentified family, coworkers and friends of decedent who may have information about his medical and psychological conditions, lifestyle, and/or other information relevant to the claims at issues in this lawsuit
27. Any other individuals, whose specific identities are currently unknown, that have any knowledge regarding the accident in question.
28. Any physician, nurse, paramedic, EMT, psychologist, psychiatrist, chiropractor, or other health care provider who saw, treated, or examined the decedent at any time, for any reason.

B. Categories of Documents, Electronically Stored Information, and Tangible Things Defendant May Use to Support Its Defenses, Unless Solely for Impeachment.

1. File from Tucker County Sheriff's Department
2. Q&A File re: Evan Harris
3. Waterfall Canyon Academy Records
4. Majoria Drug Records (9/13/17)
5. Q&A emails, parent handbook, bills
6. Q&A admission packet (blank)
7. Evan Harris's Q&A admission packet (completed)

8. Text messages from Kathy Harris
9. Q&A notes on Evan Harris
10. Notes and bills from Counseling Sessions with Jen Randall
11. Photos
12. Aspiro Documents
13. Woodfin & Associates (Independent Educational Consultants) file on Evan Harris
14. Excerpts from plaintiff's diary
15. Dr. Pelts's file on Evan Harris
16. Psychological evaluation of Evan Harris by Kevin Fenstermacher, Ph.D.
17. NONLA medical records for Evan Harris
18. Social Security 2011 Adult Disability Report
19. Social Security Docs: Louisiana Department of Health and Hospitals file on Evan Harris
20. Handwritten notes on Evan Harris September 2015 (Caitlyn Galt)
21. Speech and Language Report by Children's Hospital
22. Psych Evaluation by Three Springs Outdoor Therapeutic Program
23. Neuropsychological Evaluation at Children's hospital
24. Psychological Evaluation by Lynn Parker, Ph.D.
25. Marcy Family Center's Classroom Evaluation Overview
26. Neuropsychological Evaluation at San Marcos
27. Discharge Summary from San Marcos
28. Death Certificate
29. File Materials of Dr. Thistlethwaite

30. Plaintiff's responses, or lack thereof, to Defendants' written discovery directed to Plaintiff.
31. Any and all documents produced in response to discovery requests made by the parties in this matter.
32. Any and all documents produced by either party in this matter.
33. Defendants reserve the right to use any relevant policies, standards, codes, or regulations.
34. Defendants reserve the right to enlarge any exhibit, or excerpt there from, necessary for demonstrative purposes at trial.
35. Any and all documents relied upon by expert witnesses in this matter.
36. Defendants reserve the right to use any and all documents used as exhibits to all depositions in this matter.
37. Defendants reserve the right to supplement this list depending upon the evidence and testimony presented by Plaintiff at trial.
38. By identifying documents in this list, Defendants do not admit that the documents are relevant or admissible. Some documents have been listed in anticipation of documents that Plaintiffs may identify on their lists. Defendants reserve the right to withdraw documents or object to documents on another party's list, similar to or even identical to those on this list.

C. Categories of Damages

Not applicable.

D. Insurance Information

A certified copy of applicable insurance policy(ies), has been requested and will be produced with confidential and proprietary premium information redacted.

Defendant reserves the right to supplement and/or amend these disclosures should it obtain additional information required to be disclosed pursuant to Rule 26 and the Scheduling Order.

DEFENDANTS,

By Counsel

/s/ Lindsey M. Saad

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Defendants.

CERTIFICATE OF SERVICE

I certify that on this 7th day of May, 2018, I filed electronically via CM/ECF a true copy of “**RULE 26(a)(3) PRETRIAL DISCLOSURES BY DEFENDANTS**” with notice of the same being electronically served by the Court to the following:

David A. Sims, Esq.
Law Offices of David A. Sims, PLLC
P.O. Box 5349
Vienna, WV 26105

/s/ Lindsey M. Saad
Lindsey M. Saad (WV Bar No. 11155)